

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REX COMPUTING, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 21-525 (MN)
)	
CEREBRAS SYSTEMS INC.,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

At Wilmington, this 6th day of October 2022,

WHEREAS, on September 16, 2022, Magistrate Judge Hall held a teleconference on Defendant's motion for leave to amend its answer to add additional affirmative defenses and counterclaims (*See* 9/16/2022 Minute Entry);

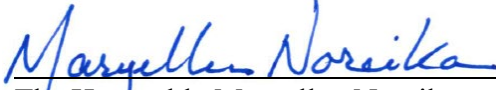
WHEREAS, at the conclusion of the teleconference, Judge Hall read her Report and Recommendation into the record and informed the parties that the transcript would serve as the Court's Report and Recommendation and that objections would be due in fourteen (14) days from September 16, 2022 (D.I. 135 at 37:4-7);

WHEREAS, Judge Hall recommended that Defendant be denied leave to assert the new defense under 28 U.S.C § 1498 (*Id.* at 32:22-33:1) and that Defendant be granted leave to amend its answer and counterclaim to include an inequitable conduct affirmative defense and counterclaim (*Id.* at 36:15-18); and

WHEREAS, no party filed objections to the Report and Recommendation in the time period prescribed.

THEREFORE, IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED. Defendant's motion for leave to amend its answer to add additional affirmative

defenses and counterclaims is GRANTED-IN-PART and DENIED-IN-PART. Within five (5) days of the date of this Order, Defendant shall docket its First Amended Answer.



The Honorable Maryellen Noreika
United States District Judge